

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	05-MC-10227-
HAU T. PHAM	)	
	)	
Defendant,	)	
	)	
<i>and</i>	)	
	)	
BOSTON UNIVERSITY MEDICAL	)	
CAMPUS	)	
	)	
Garnishee.	)	

**APPLICATION FOR WRIT OF CONTINUING GARNISHMENT**

Pursuant to 28 U.S.C. § 3205(b)(1), the Federal Debt Collection Procedures Act, the Plaintiff, United States of America, petitions the Clerk of the United States District Court to issue a Writ of Continuing Garnishment upon wages, which Boston University Medical Campus, located at Boston University Payroll Office 25 Buick Street, Floor 1, Boston, MA is believed to disburse to the Defendant, Hau T. Pham (hereinafter "Pham") to satisfy a \$73,913.84 judgment entered against Pham.

In support, the United States says:

1. On June 3, 2005, a \$73,913.84 judgment was entered against Pham, social security number 000-00-4903, last known address of 135 Dale St., Waltham, MA 02451 in the United States District Court for the District of Massachusetts.

2. Pham is indebted to the United States for the judgment amount of \$73,913.84; plus accrued interest at the rate of 3.32 percent per annum. The total balance as of October 27,

2005 is \$74,895.42.

3. The United States made demand for payment of the aforementioned debt upon Pham not less than 30 days prior to the date of this Application, and Pham has failed to satisfy the debt.

4. The United States believes the Garnishee, Boston University Medical Campus, disburses wages to Pham, and that Pham has a substantial nonexempt interest in such wages.

WHEREFORE, the United States of America petitions the Clerk of the United States District Court to issue a Writ of Garnishment upon wages, which Boston University Medical Campus is believed to disburse to Pham, to satisfy the \$73,913.84 judgment entered against Pham on June 3, 2005.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

Dated: October 27, 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CAMPUS	)	
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WRIT OF CONTINUING GARNISHMENT

GREETINGS TO:

Boston University Medical Campus  
Boston University Payroll Office  
25 Buick Street, Floor 1  
Boston, MA 02215

The United States of America believes that you disburse wages to the defendant, Hau T. Pham, (hereinafter "Pham") and that he has a substantial nonexempt interest in such wages.

On June 3, 2005, judgment was entered against Pham in the United States District Court for the District of Massachusetts.

Pham, whose last known address is 135 Dale St., Waltham, MA 02451, is indebted to the United States for the judgment amount of \$73,913.84, plus accrued interest at the rate of 3.32 percent per annum. The total balance as of October 27, 2005 is \$74,895.42.

Pursuant to 28 U.S.C. § 3205(c), you must state under oath in your written answer to this

Writ whether you have in your custody, control, or possession any property owned by Pham, including disposable income, and, if so, you must describe such property and the value of such interest. You must then describe any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt. You must also state the amount of debt, if any, you anticipate owing to Pham in the future and the type of payment schedule.

You must withhold and retain any property that Pham has a substantial nonexempt interest and for which you are or may become indebted to Pham pending further order of the Court. Property that is exempt from this Writ is listed on the attached Claim for Exemption form.

You must file, within ten (10) days of service of this Writ, your original written answer to this Writ with the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. You must also serve a copy of your answer to this Writ upon both Hau T. Pham, 135 Dale St., Waltham, MA 02451 and Christopher R. Donato, Assistant U.S. Attorney, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

If you fail to answer this Writ or withhold property in accordance with this Writ, the United States of America may petition the Court for an order requiring you to appear before the Court to answer this Writ and to so withhold property before the appearance date. If you fail to appear, or do appear and fail to show good cause why you failed to comply with this Writ, the Court shall enter a judgment against you for the value of Pham's nonexempt property. It is illegal to pay or deliver to Pham any item attached by this Writ.

Pursuant to 15 U.S.C. § 1674, you are prohibited from discharging Pham from employment because his/her earnings have been subjected to garnishment for any one indebtedness.

Sarah A. Thornton  
Clerk, United States District Court

By:

\_\_\_\_\_  
Deputy Clerk

Dated:

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DISTRICT OF MASSACHUSETTS

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CAMPUS	)	
Garnishee.	)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

TO: Hau T. Pham

You are hereby notified that the United States of America is taking a percentage of your wages, which is in the custody, possession, or control of Boston University Medical Campus, to apply to a \$73,913.84 judgment entered against you on June 3, 2005 in the United States District Court for the District of Massachusetts.

As of October 27, 2005, computation of the debt is the judgment amount of \$73,913.84, plus accrued interest at the rate of 3.32 percent per annum. The total balance is \$74,895.42.

Also, you are hereby notified that there are exemptions under the law that may protect some of your property from seizure by the Government if you can show the exemptions apply. The exemptions that apply are those of the state where you have resided in the last 180 days. Attached is a summary of the major exemptions that apply in Massachusetts.

You have a right to ask the court to return your property to you if you think the property the Government is taking qualifies under one of the attached exemptions, or if you think you do

not owe the money to the Government that it claims you do.

If you want a hearing, you must notify the court within 20 days after receipt of this notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. If you wish, you may use this notice to request a hearing by checking the space below and mailing this notice to the Clerk of the United States District Court at the aforementioned address. You must also send a copy of your request to Christopher R. Donato, Assistant U.S. Attorney, U.S. Attorney's Office, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210, to notify the Government that you want a hearing. The hearing will take place within 5 business days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe the property is exempt, or why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, your property may be sold at public auction and the payment used toward the money you owe the Government.

If you live outside the federal judicial district in which the Court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the Court to the federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. You must also send a copy of your request to Christopher R. Donato, Assistant U.S. Attorney, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210, to notify the Government of your desire to transfer the proceeding.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance.

Sarah A. Thornton  
Clerk, United States District Court

By:

\_\_\_\_\_  
Deputy Clerk

Dated:



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NOTICE OF GARNISHMENT AND INSTRUCTIONS

TO: Hau T. Pham

You are hereby notified that the United States of America is taking a percentage of your wages, which is in the custody, possession, or control of Boston University Medical Campus, to apply to a \$73,913.84 judgment entered against you on June 3, 2005 in the United States District Court for the District of Massachusetts.

Also, unless you file a written objection to the Garnishee's Answer and request a hearing within 20 days after you receive the Answer of the Garnishee, the Court will enter an Order attaching your wages to apply against the judgment owed the United States.

If you object to the Garnishee's Answer, your objection must state the reasons why your wages are not subject to attachment by the United States. You must file your objection with the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. The Court will schedule a hearing within 10 days after the date the objection is received by the

Court, or as soon thereafter as practicable. The Court will give notice of the hearing date to all the parties.

A copy of your objection or other pleadings must also be served on: (1) Christopher R. Donato, Assistant U.S. Attorney, U.S. Attorney's Office, Financial Litigation Unit, 1 Courthouse Way, Suite 9200, Boston, MA 02210; and (2) Boston University Medical Campus, Boston University Payroll Office 25 Buick Street, Floor 1, Boston, MA 02215.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

Dated: October 27, 2005